LIM BOON HIOK & ORS. v. LOKE WAN THO

[O. C. J. (Brown J.) January 13, 1955]

[Singapore — Motion in Suit Nos. 12, 13 & 14 of 1955]

Landlord and Tenant — Control of Rent Ordinance, 1953, s. 26 — Prohibition against sub-letting — Judgment enforceable against sub-tenants — No necessity for sub-tenants to be made party to proceedings.

The defendant in this case had obtained an order in the District Court for possession against the chief tenant and the judgment was made enforceable against the sub-tenants who are the present plaintiffs. They now apply by Motion to restrain the defendant from evicting them on the ground that they were not a party to the proceedings.

Held: the learned District Judge had grounds for being "satisfied" from the document prohibiting sub-letting which was produced before him. It was not necessary for the sub-tenants in this case to be made a party to the proceedings because they have never acquired any rights.

[Editorial Note: Control of Rent Ordinance, 1953, s. 26(1) reads: "Where any order or judgment for the recovery of possession has been obtained against any tenant of premises, such order or judgment shall not be enforceable against any sub-tenant of such tenant unless the Court is satisfied that such tenant was prohibited by the terms of his tenancy from sub-letting or that such sub-tenant has used the premises for illegal or immoral purposes. Every order or judgment for possession made against any tenant shall declare whether it shall be enforceable against any sub-tenant or not."]

Case referred to:—

(1) *Ng Eng Kang v. Sitharam & Anor.* (1952) M.L.J. 155.

MOTION to restrain eviction.

N. N. Christopher for the plaintiffs.

A. P. Rajah for the defendant.

Cur. Adv. Vult.

Brown J. : — Before a Court can make an order or judgment enforceable against the sub-tenants it is an absolute requirement of Section 26 of the Control of Rent Ordinance 1953 that the Court must be "satisfied" that the tenant was prohibited by the terms of his tenancy from sub-letting or that the sub-tenant has used the premises for illegal or immoral purposes. It is not disputed that the learned District Judge had before him the document by which sub-letting was prohibited. He therefore had grounds for being "satisfied", as the section requires.

But the applicant relies on the case of *Ng Eng Kang v. R. Sitharam & Anor.*[1] in which it was said that as the sub-tenant was not a party to the proceedings (as in the present case) the Court was wrong in making the order enforceable against the sub-tenant. The distinction between that case and the present is that in that case there was no prohibition at the time of the sub-letting. The sub-tenants had therefore acquired rights. In the present case the sub-tenants have never acquired rights.

The motion is dismissed with costs.

Order accordingly.

Solicitors: *Christopher & Francis; Tan Rajah & Cheah.*

LAU CHEE KUAN (f) v. CHOW SOONG SEONG & ORS.

[C. A. (Mathew C.J. (F.M.), Murray-Aynsley C.J. (S) and Pretheroe J.) January 6, 1955]

[Ipoh—F.M. Civil Appeal No. 27 of 1954]

Libel and Slander — Defamation — False statement in newspaper to the discredit of plaintiff — Principles to be applied in determining whether an article is or is not defamatory — "Reasonable man" — Construction.

This appeal arose out of the dismissal of an action for libel and a claim for damages in connection with an article entitled "Midwife met Ghost—Notes Turned into Hades Currency," which appeared in the issue of the Chinese paper Feng Pao dated March 27, 1953. Briefly, the article stated that one night a ghost dressed as a female servant went to the appellant's Maternity Home and told her that her mistress was about to deliver and wished to engage a midwife. The appellant was taken to a large mansion and there the mistress of the house gave birth to a male child. The appellant was then paid $200 for her services and left the mansion. On turning back her head she found that the beautiful house had disappeared and she was surrounded by tombs; it was the Hokkien Cemetery. She hurried to the main road in a state of great fright, and on arriving at her house found that the $200 had turned into a heap of ashes of burnt Hades currency. The article went on to say that since that night the appellant was ill and had not recovered, and that her illness was due to fright.

The learned trial Judge dismissed the claim on the ground that in the eyes of the average right thinking man the article did not tend to lower the reputation of the plaintiff (appellant) or disparage her in the way of her profession and was not therefore defamatory.

Held: the article, however viewed, was defamatory of the appellant. The opinion of those who believed in ghosts could be discounted, but the opinion of all other persons must be that here was a silly woman who believed in ghosts to such an extent that she made herself ill and was unable to pursue her profession as a midwife. The false statement made was to her discredit and she had been ridiculed and brought into contempt. She was therefore entitled to succeed in her claim.

Case referred to:—

(1) *Leetham v. Rank* (1912), 57 Sol. J. 111.

COURT OF APPEAL.

C. W. Shuttleworth for the appellant.

N. L. Macassey for the respondents.

Cur. Adv. Vult.

Mathew C.J. (with whom **Pretheroe J.** concurred):— This appeal arises out of the dismissal of